IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 22543 of 2004(H)

PETITIONERS:
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1. V.K.GOPALAKRISHNAN,
SPECIAL GRADE EXECUTIVE ENGINEER (PWD) (RETD.)
VATTAKKATTIL HOUSE, S.R.K.NAGAR,
OTTAPALAM-679 103.

2. R.PADMANABHA IYER,
SPECIAL GRADE EXECUTIVE ENGINEER (PWD) (RETD.)
VI/566, (F-6), VENKATESAPURAM COLONY,
PUTHUR, PALAKKAD-1.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.PEARLY JOSE
SRI.S.VISHNU
SRI.MANOJ RAMASWAMY
SMT.VIVEEJA RAVEENDRAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS
SECRETARY, PUBLIC WORKS (B) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. CHIEF ENGINEER, ADMINISTRATION,
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.

3. ACCOUNTANT GENERAL (A&E), THRISSUR.

BY GOVERNMENT PLEADER SMT. T.B. RAMANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22543/2004 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT DT. 2/11/01 IN OP NO. 33311/00 OF THIS COURT.

EXT.P2. COPY OF THE REPRESENTATION DT. 15/5/00 OF THE P1 TO THE R3.

EXT.P3. COPY OF THE REPRESENTATION DATED 4/6/00 OF THE P2 TO THE R3.

EXT.P4. COPY OF THE REPRESENTATION DT. 11/12/01 OF THE P1 TO THE R3.

EXT.P5. COPY OF THE REPRESENTATION DT. 1/7/02 OF THE P2 TO THE R3.

EXT.P6. COPY OF THE LETTER NO. GE. 28/B/F14/21 DT. 18/4/02 OF THE R3.

EXT.P7. COPY OF THE LETTER NO. GE. 28/B/G/14/323 DT. 8/8/02 OF THE R3.

EXT.P8. COPY OF THE LETTER NO. GE. 28/C/P13/1098 DTD. 30/1/2002 OF THE R3.

EXT.P9. COPY OF THE LETTER NO. GE 28/C/P-13/340 DT. 9/8/02 OF THE R3.

EXT.P10. COPY OF THE GO (MS) NO. 54/03/PWD DT. 7/10/03.

EXT.P11. COPY OF THE JUDGMENT DT. 28/2/03 IN OP NO. 23889/2001 OF THIS COURT.

EXT.P12. COPY OF THE GO MS NO. 46/98/PWD DT. 20/6/98.

EXT.P13. COPY OF THE JUDGMENT DT. 1/6/00 IN OP NO. 15267/00 OF THIS COURT.

RESPONDENT'S EXHIBITS

NIL.

True copy

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THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.22543 OF 2004

Dated this the 13th day of July, 2007

JUDGMENT

Heard learned counsel for the petitioners and learned Government Pleader.

2. The issue raised is covered in favour of the petitioner as per Ext.P11 judgment of the Division Bench in O.P.No.23889/01, wherein, this Court had recorded the assurance of the Government, which, in its terms, entitles the petitioner therein for fixation of pay accordingly. Learned counsel for the petitioners also relies on the judgments of this Court in W.P(C). No.616/04 and in W.P(C).No.2571/04. Ext.P13 judgment also supports the case of the petitioners.

In the result, this writ petition is allowed directing the respondents to fix the pay of the petitioners in the cadre of Special Grade Executive Engineer with effect from the date on which each of them took charge in the post and accordingly

modulate the retiral benefits also and extend to the petitioners all benefit on account of the aforesaid direction. To obtain the same, the impugned Ext.P10 will stand quashed in so far as it does not include the petitioners.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.